



COPY

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF SPOTSYLVANIA

JAMES M. BOLLING,

Plaintiff,

v.

CASE NO. CL15-526

BAKER, INC. (d.b.a. BAKER
DRIVETRAINS),
C/O: The Secretary of the
Commonwealth of Virginia
111 East Broad Street, No. 4
Richmond, Virginia 23219,

Defendant.

RECEIVED + FILED

FEB 29 2016

SPOTSYLVANIA CIRCUIT COURT

COMPLAINT

1. This is a civil complaint alleging negligence by the Defendant, Baker, Inc.
2. This action is brought by the Plaintiff, James M. Bolling ("Mr. Bolling" or the "Plaintiff") against the Defendant, Baker Inc. ("Baker, Inc.") or the "Defendant").
3. Mr. Bolling is, and at all times material to this action has been, a resident and citizen of the Commonwealth of Virginia.
4. Baker, Inc. is a corporation organized under the laws of the State of Michigan, with an office and principle place of business in Haslett, Michigan. Baker, Inc. does business as Baker Drivetrains. Baker, Inc. was at all times material to this action, engaged in the development and manufacture of motorcycle transmissions, and Baker, Inc. was, at all times material to this action,

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DEFENDANT'S
EXHIBIT
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engaged in the marketing and distribution of motorcycle transmissions within the Commonwealth of Virginia. Baker, Inc. is a resident, for jurisdictional purposes, of the Commonwealth of Virginia.

5. This Court has jurisdiction over the claims in this action arising under the laws of the Commonwealth of Virginia.

6. The negligence alleged herein occurred in the Commonwealth of Virginia. Mr. Bolling is a resident, for jurisdictional purposes, of Virginia.

BACKGROUND

7. The allegations of each of the foregoing paragraphs are incorporated herein as if re-alleged.

8. On or about June 6, 2013, at approximately 6:00 p.m., Mr. Bolling was operating a 2007 Big Bear custom motorcycle in Spotsylvania County, Virginia.

9. The transmission in Mr. Bolling's motorcycle was a transmission that was manufactured by Baker Drivetrains.

10. At said time and place, the transmission on Mr. Bolling's motorcycle locked up or otherwise malfunctioned, thereby causing Mr. Bolling to lose control of his motorcycle, and hit the ground on his left side.

11. Sometime shortly after the accident, Mr. Bolling transported his motorcycle to High Performance Cycles, LLC ("High Performance Cycles"), which is located in Allentown, Pennsylvania; High Performance Cycles is an authorized Big Bear Chopper dealer, and High Performance Cycles is an authorized Baker Drivetrains dealer. High Performance Cycles inspected Mr. Bolling's motorcycle and

determined that there was a defect in the Baker Drivetrains transmission that caused Mr. Bolling's accident.

12. As a result of High Performance Cycles' inspection and subsequent determination that Baker Drivetrains' transmission was defective and was the cause of Mr. Bolling's accident, Baker Drivetrains replaced the transmission in Mr. Bollings' motorcycle and paid for Mr. Bolling's motorcycle to be completely rebuilt or repaired.

COUNT ONE - NEGLIGENCE

13. The allegations of each of the foregoing paragraphs are incorporated herein as if re-alleged.

14. On June 6, 2013, the transmission in Mr. Bolling's motorcycle was manufactured and distributed by Baker, Inc., doing business as Baker Drivetrains.

15. Baker, Inc. had a duty to exercise due care in the manufacturing and distribution of said transmission, and to manufacture and distribute the product free from defects.

16. Notwithstanding said duty, Baker, Inc. negligently manufactured and distributed the transmission in a defective condition.

17. As a direct and proximate result of Baker, Inc.'s negligence, Mr. Bolling sustained serious injuries, and Mr. Bolling suffered, continues to suffer, and will in the future suffer from severe pain and discomfort; and the Plaintiff incurred hospital, medical, and related bills in an effort to be cured of said injuries. Much of this injury will endure permanently.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, James M. Bolling, by Counsel, respectfully requests that this Honorable Court enter judgment in his favor and against the Defendant, Baker, Inc. on Count I of the above-stated complaint, and that this Court award the Plaintiff with compensatory damages in the amount of \$100,000.00, together with the costs expended on his behalf in this action.

JURY DEMAND

PLAINTIFF, JAMES M. BOLLING, DEMANDS A TRIAL BY JURY.

JAMES M. BOLLING

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